THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 17811 of 2005

DATED: 22-08-2005

M. Yesubabu & another.

..... PETITIONERS

AND

The Sub-Collector,

Narsapur,

West Godavari District & another.

.....RESPONDENTS

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking a Mandamus declaring the proposed action of the respondents, in dispossessing the petitioners herein from their lawful possession and enjoyment of the land, an extent of Ac.0.77 sq.yards, in D.No.3-94 & 3-97,Assessment No.245 & 471, situated at Andaluru Gram Panchayat, Veeravasaram Mandal, West Godavari District, without following due process of law, as illegal and arbitrary.

2. It is the case of the petitioners that they are the absolute owners and possessors of the said land in an extent of Ac.0.77 sq.yards, adjacent to their houses. Whileso, one Bellamkonda Venkatalakshmi filed O.S.No.607 of 2004 on the file of the Junior Civil Judge, Bhimavaram, for grant of permanent injunction in respect of the disputed land and the same is still pending. While the matter stood thus, the 2nd respondent and his subordinates started cutting the trees existing in their land, on 02-08-2005, claiming that they are the absolute owners of the said land. When the petitioners questioned the same, the respondents informed that as per the instruction of the 1st respondent, they are proceeding with the impugned action of dispossession without giving any notice. Aggrieved thereby, the petitioners approached this Court by way of filing the present Writ

Petition.

3. Heard both sides.

4. I have perused the entire material on record.

5. Therefore, having regard to the facts and circumstances, it is not desirable on the part of the respondents to interfere with the possession of the petitioners in the said land.

6. Without going into the merits of the case, I deem it appropriate to dispose of the Writ Petition directing the respondents not to dispossess the petitioners from the said land, without following due process of law.

7. Accordingly, the Writ Petition is disposed of. No order as to costs.

(DHARMA RAO ELIPE,J)

22nd August, 2005.

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